

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of

Civil Citation No. 72154

Philip T. Donlin  
Betty Donlin

104 Ventnor Terrace

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on March 10, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 35-5-302 (A)(3), failure to comply with correction notice, failure to keep premises free from rat infestation, failure to remove hot water heater on residential property zoned DR 10.5 known as 104 Ventnor Terrace, 21222.

On February 1, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Ray Harmon issued a Code Enforcement citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$3,000.00 (three thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on December 29, 2009 for unsanitary conditions, cease rat infestation at this residential property. This Citation was issued on February 1, 2010.

B. Photographs in the file show large rat holes, rat runs, and debris indicating an active rat infestation. The property owners have not responded to the County's notices and there is no evidence that Respondents have taken appropriate action to exterminate the rats. County law requires a property owner or occupant to treat a rat infestation until the rats are eradicated. BCC Section 13-7-305. County law also requires property owners and occupants to remove and abate rat harborage, including closing rat burrows. BCC Section 13-7-306.

C. Photographs also show garbage in cans without lids, and an old hot water heater lying in the rear yard. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310.

D. Respondents have failed to respond to the County's notices. Re-inspection on March 8, 2010 found no improvement. If Respondents do not abate the infestation within the time provided below and provide the County with appropriate documentation including receipts, the County will be authorized to enter the property for abatement at Respondents' expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$50.00 (fifty dollars) if re-inspection finds garbage properly stored in cans with tight lids and all junk and trash removed from the property, and if Respondents take appropriate steps to exterminate the rat infestation and provide documentation of extermination efforts, by April 7, 2010.

IT IS FURTHER ORDERED that after April 7, 2010, the County may enter the property for the purpose of exterminating the rat infestation, at Respondents' expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 17<sup>th</sup> day of March 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer